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06/25/2009

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 1795**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takeshi TAKAHASHI et al.

Group Art Unit: 1795

Application No.: 10/806,206

Examiner: R. HODGE

Filed: March 23, 2004

Docket No.: 119201

For: POSITIVE ELECTRODE ACTIVE MATERIAL FOR NONAQUEOUS
ELECTROLYTE SECONDARY BATTERY AND NONAQUEOUS ELECTROLYTE
SECONDARY BATTERY

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 18, 2009 Office Action, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 2 and 17 are pending in this application.

I. Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claims 2 and 17 under 35 U.S.C. §103(a) as having been obvious over the combination of JP 04-319260 to Watanabe et al. ("Watanabe") and JP 09-147916 to Inoue et al. ("Inoue"). Applicants respectfully traverse the rejection.

Claim 2 is directed to a positive electrode active material wherein "an existence ratio of zirconium and magnesium is respectively 20% or more on a surface of the lithium cobaltate, and at least part of the zirconium on said surface is present as lithium zirconate and at least part of the magnesium on said surface is present as magnesium oxide." The